

AN ORDINANCE

**98637**

**ESTABLISHING A ONE-TIME FEE IN THE AMOUNT OF \$50.00 FOR INSPECTIONS TO DETERMINE COMPLIANCE WITH CERTAIN PROVISIONS OF ORDINANCE NOS. 97895 AND 97990 BY RESTAURANTS THAT HAVE ENCLOSED BAR AREAS, ENCLOSED DINING AREAS, OR OUTDOOR SEATING AREAS WHICH ARE DESIGNATED AS SMOKING AREAS; AND AMENDING CHAPTER 13 OF THE CITY CODE TO INCLUDE SUCH FEE.**

\* \* \* \* \*

**WHEREAS**, public health concerns led the Mayor and City Council to review and update Chapter 36 of the City Code relating to smoking; and

**WHEREAS**, these updates and revisions prohibiting smoking in all enclosed public places and providing for specific exceptions were passed by City Council by Ordinance No. 97895 on August 7, 2003 and Ordinance No. 97990 on August 14, 2003 (hereinafter collectively referred to as the "smoking ordinance"); and

**WHEREAS**, one such exception allows for enclosed bar, enclosed dining and outdoor seating areas within restaurants to be designated as smoking areas, provided they comply with certain provisions in the smoking ordinance; and

**WHEREAS** Ordinance No. 97895 allows for the establishment of a reasonable fee to offset costs for additional inspections of restaurants to determine compliance with certain provisions of the smoking ordinance; and

**WHEREAS**, staff recommends the establishment of a one-time fee in the amount of \$50.00 to charge owners or operators of restaurants for costs related to inspections of these restaurants; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 13, Section 13-204(c) of the City Code of San Antonio, Texas (as may hereinafter be referred to as "this Code") is hereby revised to read as follows, whereby added language is signified by underline, and deleted language is signified by strikethrough and is bracketed:

Section 13-204. Amount of Permit Fees.

(c) The owner or operator of a restaurant as defined in Chapter 36 of this Code which chooses to have a designated smoking area shall pay a one-time fee in the amount of fifty dollars (\$50.00) to cover inspection expenses in order to establish that: 1) a bar or dining area within the restaurant which is designated as a smoking area is in compliance with the definition of an Enclosed Area as set forth in Chapter 36, Section 36-1, paragraph 7 of

this Code; and 2) the outdoor seating areas of the restaurant designated as smoking areas are so designated in accordance with Chapter 36, Section 36-6, paragraph 8 of this Code.

[Section 13-204 (c) Reserved.]

**SECTION 2.** The penalty provision of Chapter 13, Section 13-218 of the City Code of San Antonio, Texas shall apply to Chapter 13, Section 13-204(c) of this Code.

**SECTION 3.** The City Clerk of the City of San Antonio, Texas, is hereby directed to publish this ordinance in a newspaper published in the City of San Antonio, Texas as authorized by Article II, Section 17 of the City of San Antonio.

**SECTION 4.** Fees collected shall be deposited in Fund 11-000000 (General Fund), Index Code 076554 entitled "Smoking Exception Inspection Fee".

**SECTION 5.** This ordinance will become effective on the tenth (10<sup>th</sup>) day after passage hereof.

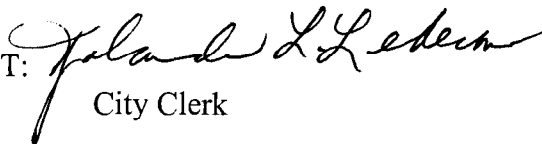
PASSED AND APPROVED this 18<sup>th</sup> day of December, 2003.



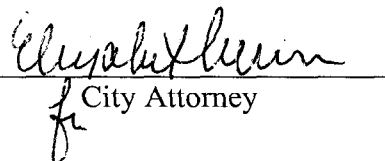
M A Y O R

EDWARD D. GARZA

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney